

SCOTTISH MINISTERS' REQUIREMENTS

SCHEDULE 3 PART 4

OTHER CONTRACTS WITHIN THE UNIT

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OTHER CONTRACTS WITHIN THE UNIT

1. WORKS IN PROGRESS

1.1 Contracts in Progress on the Unit

- 1.1.1 For the purposes of this Part, "Other Contracts" means road and bridge construction and maintenance contracts outwith Operating Company arrangements and developers' schemes.
- 1.1.2 Road or bridge construction or maintenance contracts for which the Scottish Ministers are the employer may be in progress on the Unit at the Commencement of Service Date. They will be either:
 - (i) Works Contracts where the previous operating company was acting as Engineer, or
 - (ii) Other Contracts.
- 1.1.3 Other Contracts may commence during the term of this Contract.

1.2 Developers' Schemes

- 1.2.1 Improvement work in connection with development projects, led or funded by developers or others, may be in progress on the Unit at the Commencement of Service Date or may commence during the term of this Contract.
- 1.2.2 Subject to an Order, the Operating Company shall assist the Director with other matters relating to developers' schemes.

2. REQUIREMENTS

2.1 Engineer for Works Contracts in Progress

- 2.1.1 During the Mobilisation Period, the Director shall provide the Operating Company with details of all Works Contracts in progress on the Unit.
- 2.1.2 For Works Contracts where the previous operating company was acting as Engineer, the Director shall issue an Order requiring the Operating Company to take over the role and responsibilities of the Engineer with effect from the Commencement of Service Date. These Works Contracts shall include those where Works have been substantially completed but the defects correction or maintenance period has not expired.
- 2.1.3 The Director shall ensure, by arrangement with the previous operating company, that all relevant documentation related to these Works Contracts is passed to the Operating Company during the Mobilisation Period.
- 2.1.4 The Operating Company shall undertake all outstanding obligations of the Engineer for these continuing Works Contracts, as detailed in Schedule 6 Part 1 of this Contract.
- 2.1.5 For Works Contracts where the Operating Company takes over the role and responsibilities of the Engineer, the Operating Company shall also assume the roles

required by the *Construction (Design and Management) Regulations 2007* that were undertaken by the previous operating company.

2.2 Other Contracts

2.2.1 The Director shall provide the details and starting dates of Other Contracts to the Operating Company:

- (i) during the Mobilisation Period for all Other Contracts that are then in progress, and
- (ii) no later than two weeks after appointment of a contractor for all Other Contracts that commence after the Commencement of Service Date.

2.2.2 For any Other Contract, the Director may issue an Order to the Operating Company stating any requirements for transfer or suspension of specified Operating Company related responsibilities during the construction phase or the maintenance period. In particular, the Director may, unless the cause of a Defect is fair wear and tear or Incident, instruct the Operating Company to suspend the carrying out of Defects Correction Operations under Clause 5.5.1 of Schedule 1 within the length of road notified, other than making safe and executing temporary repair of Category 1 Defects, for the advised duration.

Annex 3.4/A of this Part contains local requirements in relation to transfer and suspension of Operating Company responsibilities.

2.2.3 Upon completion of the construction phase or maintenance period of an Other Contract, the Director shall issue an Order requiring the Operating Company to recommence all Operations that have may have been transferred or suspended.

2.2.4 Upon completion of the construction phase of an Other Contract, the Director will provide the Operating Company with the health and safety file for that Other Contract prior to the works becoming part of the Operating Company's obligations under this Contract.

2.2.5 Subject to an Order, the Director may require the Operating Company to assist him with other matters for Other Contracts.

This is Annex 3.4/A to Schedule 3 Part 4 referred to in the foregoing Agreement between Scottish Ministers and BEAR Scotland Limited.

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ANNEX 3.4/A – Local Requirements in Relation to Transfer or Suspension of Operating Company Responsibilities

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ANNEX 3.4/A – Local Requirements in Relation to Transfer or Suspension of Operating Company Responsibilities

None.